

REMARKS

The present communication is in response to the Office Action mailed January 25, 2008. As an initial matter, Applicants note the allowance of claims 1, 4-7, 10-12, and 16-23. Thus, claims 13-15 remain pending for the Examiner's consideration. Claims 13-15 have been amended to overcome the rejections issued in the Office Action. No new matter has been added.

Claims 13-15 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Examiner indicated that "storage medium" is defined in the specification to include network based transmission media.

Claims 13-15 have been amended to recite information recording media, as opposed to storage media. The specification provides examples of such information recording media which include CD-ROM and magnetic disks. Thus, claims 13-15 as amended do not include transmission media.

In light of the above, Applicants submit that claims 13-15 as amended are compliant with 35 U.S.C. §101. Accordingly, withdrawal of the rejection of claims 13-15 is respectfully requested.

Claims 13-15 were also rejected under 35 U.S.C. §112 as being indefinite. Particularly, the Examiner asserts that Applicant is "mixing the storage medium with the program, which appears to be a method."

Independent claim 13 has been amended for clarification. Claim 13, as amended, recites a computer-readable information recording medium storing a program, the program being operable to perform a method comprising retrieving a bit-rate value, determining an optimal buffer size, and reserving a storage area.

Applicants respectfully submit that claim 13 as amended is compliant with 35 U.S.C. §112, second paragraph, and

thus requests that the rejection of claim 13 be withdrawn. Further, Applicants submit that claims 14-15, which have been amended in accordance with claim 13, are also compliant with §112, second paragraph, and thus request that these rejections also be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 24, 2008

Respectfully submitted,

By 

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